

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

TOMAS VALENTA,	)	
	)	
PLAINTIFF,	)	
	)	Civil Action No. 17-cv-06609
v.	)	
	)	Hon. Jorge L. Alonso
MIDLAND FUNDING, LLC; MIDLAND	)	
CREDIT MANAGEMENT, INC.,	)	Magistrate Judge Young B. Kim
	)	
DEFENDANTS.	)	

**JOINT REPORT ON THE STATUS OF DISCOVERY**

Plaintiff, Tomas Valenta (“Plaintiff”) and Defendants, Midland Funding, LLC and Midland Credit Management, Inc. (together, “Defendants”), through their respective counsel, hereby submit their joint report on the status of discovery, pursuant to Judge Kim’s Minute Order entered on December 22, 2017 (ECF No. 27). The parties state as follows:

1. The parties exchanged responses to the Mandatory Initial Discovery Pilot Project (“MIDP”) requests by the deadline of November 13, 2017. The parties have since exchanged and responded to written discovery. On January 19, 2018, Defendants’ counsel sent Plaintiff’s counsel a letter pursuant to Fed. R. Civ. P. 37 outlining the deficiencies of Plaintiff’s Responses and requesting a time to meet and confer. (Exhibit A).

2. On January 26, 2018, counsel for Plaintiff, Celetha Chatman and counsel for Defendants, Brandon Stein, met and conferred regarding the deficiencies outlined in Defendants’ Rule 37 letter. The result of that conference is as follows:

3. **Supplementation:**

- Plaintiff has agreed to supplement his responses to Defendants’ **Requests for Admissions** Nos. 8, 10, 11, and 12 in accordance with the deficiencies outlined in Defendants’ letter.
- Plaintiff has agreed to supplement his responses to Defendants’ **Interrogatories** Nos. 2, 3, 4, 9, 12 and 18.

- Plaintiff has agreed to supplement the responses to Defendants' **Requests for the Production of Documents** identified as deficient in Defendants' Rule 37 letter on the grounds that they did not identify specific bates numbered documents that were produced as responsive to requests. Plaintiff has similarly agreed to supplement his responses to Defendants' **Requests for Production of Documents** Nos. 7, 21 and 22.
- Defendants requested that Plaintiff provide his supplemental responses prior to the filing deadline of this Joint Status Report (2/2/18) so that the Court could review the complete picture on the status of any discovery disputes. Plaintiff has agreed to provide the supplemental responses to the above referenced Interrogatories and Requests and verification by Monday, February 5, 2017. The Parties can either submit an additional status report prior to the currently scheduled February 7, 2018 hearing before this Court on whether Defendants believe Plaintiff's supplemental responses to cure the deficiencies, or can provide an oral report to the Court at said hearing.

#### 4. **Issues Still in Dispute and Summary of Discussions**

- **Interrogatory #7 & MIDP Request #5:** These two requests ask Plaintiff to "identify... the amount of the alleged actual damages, and how the amount of alleged actual damages was calculated" and "provide a computation of each category of damages," respectively.
  - **Plaintiff's Position:** Plaintiff stands on his objection but remains open to seeking guidance from the Court on the extent on whether his response is proper.
  - **Defendants' Position:** Plaintiff's response provides Defendants with no information as to what amount of actual damages he is seeking. Defendants cited cases in their Rule 37 letter that support that Plaintiff must both state an amount of damages claimed, and provide a computation of that amount. Plaintiff has done neither. Otherwise, Plaintiff would be allowed to deny Defendants discovery into his actual damages claims and conduct a trial by ambush.

#### 5. **Depositions**

- Defendants have requested available dates for Plaintiff's deposition. Plaintiff's counsel has informed Defendants' counsel that Plaintiff has been out of the county and will be returning on February 5, 2017. Plaintiff's counsel anticipates having available dates upon Plaintiff's return.

Dated: February 2, 2018

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**CERTIFICATE OF SERVICE**

I, Celetha Chatman, an attorney, hereby certify that on February 2, 2018, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to all attorneys of record.

**Dated: February 2, 2018**

Respectfully submitted,

By: /s/ Celetha Chatman